

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

MANUEL ROEL, individually and Derivatively as
50% Shareholder of ROEL & HSU CORP, as 25%
Shareholder of CHRL REALTY CORP, as 25%
Shareholder of RLCH, INC and as 25% Shareholder
of 190-15 48th Avenue Corp.,

Plaintiff,

-against-

JOE HSU, ESTHER HSU, ROEL & HSU CORP,
RLCH, INC., CHRL REALTY CORP., 190-15 48TH
AVENUE CORP., MOU YANG LAM, KWAN
CHO CHEUNG, MING KAM CHEUNG, HEONG
LENG LOU, JIM GUO LIN, KAM MING LAM and
SIU LING WONG,

Defendants,

STEVEN CHEUNG, MING YUNG CHEUNG,
GUI ZHEN CHEN, CHEUNG, CHIN CHAU,
TUNG SUET RUBY LAM and WONG KUK
TAN,

Defendants/Intervenors,

Index No. 709652/17

VERIFIED ANSWER TO FIRST
AMENDED VERIFIED COMPLAINT
AND COUNTERCLAIM

SIRS:

PLEASE TAKE NOTICE that the defendants JOE HSU, ESTHER HSU, ROEL & HSU
CORP, CHRL REALTY CORP AND 190-15 48TH AVENUE CORP as and for their Verified
Answer to the First Amended Verified Complaint by their attorneys Jack L. Glasser, P.C hereby set
forth and alleges as follows:

ANSWERING THE VERIFIED AMENDED COMPLAINT

1. Denies knowledge and information sufficient to form a belief as to the truth of the
allegations designated in the complaint as to paragraph numbered "1", "2", "3", "4", "5", "6", "7",
"8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24",
"25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41",
"42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56", "57", "58",
"59", "60", "61", "62", "63", "64", "65", "66", "67", "68", "69", "70", "71", "72", "73", "74", "75",
"76", "77", "78", "79", "80", "81", "82", "83", "84", "85", "86", "87", "88", "89", "90", "91", and
respectfully refers all questions of law or construction of any documents alleged to this honorable

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court.

ANSWERING THE FIRST CAUSE OF ACTION

2. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "92".

3. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "93", "94", "95", "96" and "97".

4. Specifically denies the truth of the allegations designated in the complaint as to paragraph numbered "98".

ANSWERING THE SECOND CAUSE OF ACTION

5. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "99".

6. Specifically denies the truth of the allegations designated in the complaint as to paragraph numbered "100"

ANSWERING THE THIRD CAUSE OF ACTION

7. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "101".

8. Specifically denies the truth of the allegations designated in the complaint as to paragraph numbered "102", "103", "104" and "105".

ANSWERING THE FOURTH CAUSE OF ACTION

9. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "106".

10. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "107", "108", "109", "110", "111", "112" and "113" and respectfully refers all questions of law and construction to the court.

ANSWERING THE FIFTH CAUSE OF ACTION

11. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "114".

12. Denies knowledge and information sufficient to form a belief as to the truth of the

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allegations designated in the complaint as to paragraph numbered "115", "116" and "117".

ANSWERING THE SIXTH CAUSE OF ACTION

13. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "118".

14. Specifically denies the truth of the allegations designated in the complaint as to paragraph numbered "119" and "120".

ANSWERING THE SEVENTH CAUSE OF ACTION

15. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "121".

16. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "122", "123", "124", "125", "126" and "127" and respectfully refers all questions of law and construction to this court.

ANSWERING THE EIGHTH CAUSE OF ACTION

17. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "128".

18. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "129", "130", "131", "132", "133" and "134" and respectfully refers all questions of law and construction to this court.

ANSWERING THE NINTH CAUSE OF ACTION

19. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "135".

20. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "136", "137", "138", "139" and "140" and respectfully refers all questions of law and construction to this court.

ANSWERING THE TENTH CAUSE OF ACTION

21. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "141".

22. Denies knowledge and information sufficient to form a belief as to the truth of the

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allegations designated in the complaint as to paragraph numbered "142", "143", "144" and "145" and respectfully refers all questions of law and construction to this court.

ANSWERING THE ELEVENTH CAUSE OF ACTION

23. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "146".

24. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "147", "148", "149" and "150".

ANSWERING THE TWELFTH CAUSE OF ACTION

25. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "151".

26. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "152" and "153" and respectfully refers all questions of law and construction to this court.

ANSWERING THE THIRTEENTH CAUSE OF ACTION

27. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "154".

28. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "155" and "156".

ANSWERING THE FOURTEENTH CAUSE OF ACTION

29. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "157".

30. Specifically denies the truth of the allegations designated in the complaint as to paragraph numbered "158".

ANSWERING THE FIFTEENTH CAUSE OF ACTION

31. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "159".

32. Denies knowledge and information sufficient to form a belief as to the truth of the

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89-10 SUTPHON BLVD
JAMAICA, NEW YORK 11435

allegations designated in the complaint as to paragraph numbered "160", "161", "162", "163", "164", "165", "166" and "167" and respectfully refers all questions of law and construction to this court.

ANSWERING THE SIXTEENTH CAUSE OF ACTION

33. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "168".

34. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "169", "170", "171", "172", "173", "174", "175", "176", "177", "178", "179", "180" and "181".

ANSWERING THE SEVENTEENTH CAUSE OF ACTION

35. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "182".

36. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "183", "184", "185", "186", "187", "188", "189" and "190".

ANSWERING THE EIGHTEENTH CAUSE OF ACTION

37. Repeats and reiterates each and every denial heretofore set forth and designated in the complaint as to paragraph numbered "191".

38. Denies knowledge and information sufficient to form a belief as to the truth of the allegations designated in the complaint as to paragraph numbered "192", "193", "194", "195" and "196".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

39. The claims upon which the complaint is based fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

40. Plaintiff lacks standing on his derivative claim.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

41. Plaintiff has failed to name, serve and join necessary and dispensable parties in this

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action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

42. Any or all of the claims made by the plaintiff which are equitable in nature are barred by the Doctrine of Unclean Hands.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

43. All or a portion of plaintiff's claims should be dismissed based upon documentary evidence.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

44. All or a portion of plaintiff's claims are barred by the applicable statutes of Limitations.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

45. Plaintiff has failed to mitigate the damages alleged in the complaint.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

46. All or a portion of plaintiff's claims are barred by the Statute of Frauds.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

47. All or a portion of plaintiff's claims are barred by reason of accord and satisfaction.

**AS AND FOR A COUNTERCLAIM AGAINST THE PLAINTIFF
AND CROSS CLAIM AGAINST THE DEFENDANTS**

48. Answering defendants demand that RLCH Inc should be dissolved and the assets sold and distributed in accordance with the respective shares of the parties due to the fact that the shareholders are hopelessly deadlock and have committed gross acts of malfeasance.

**AS AND FOR A SECOND COUNTERCLAIM
AGAINST THE DEFENDANTS**

49. Should the plaintiff recover any damages in this action, such damages are the result of the actions of omission and commission of the co-defendants and these defendants seek contribution and indemnification from the co-defendants for such claims.

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WHEREFORE, defendants Joe Hsu, Esther Hsu, Roel & Hsu Corp, CHRL Realty Corp and 190-15 48th Avenue Corp demands that the complaint be dismissed in its entirety and further demands judgment on the counterclaim and cross claims together with such other, further and different relief as to this court may seem to be just and proper in the premises.

Dated: Jamaica, New York
February 8, 2019

Jack L. Glasser, P.C.

By:

Jack L. Glasser, Esq.
Attorney for Joe Hsu,
Esther Hsu, Roel & HSU Corp,
CHRL Realty Corp and
190-15 48th Avenue Corp
89-10 Sutphin Blvd
Jamaica, New York 11435
(718) 526-8100
Our file no.: 11,039

To: Robert D. Werth, Esq.
Attorney for plaintiff
666 Greenwich Street - Suite 507
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(212) 685-5445

Amy Chen, PLLC
Attorney for Mou Yang Lam, Kwan Cho Cheung,
Ming Kam Cheung, Heong Leng Lou,
41-25 Kissena Blvd - Suite 128
Flushing, NY 11355

Daniel Millman, Esq.
Law offices of Yang & Associates
Attorneys for Jim Guo Lin, Kam Ming Lam and Siu Ling Wong
9 East Broadway - Suite 302
New York, New York 10038

Janice Goldberg, Esq
Herrick Feinstein LLP
Attorneys for RLCH Inc
2 Park Avenue
New York, NY 10016
212-592-1400

(All via ECF)

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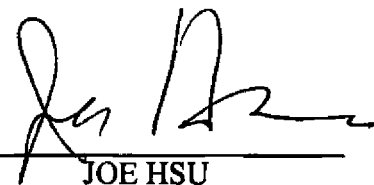
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VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF QUEENS)

JOE HSU, being duly sworn deposes and says:

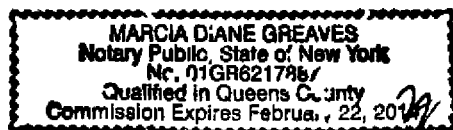
1. I am a named defendant in this action and I am personally familiar with the following facts.
2. I have read the foregoing VERIFIED ANSWER TO FIRST AMENDED VERIFIED COMPLAINT AND COUNTERCLAIM and the contents therein are true to my own knowledge and belief accept as to those matters alleged to be upon information and belief and as to those matters I believe the same to be true.


JOE HSU

Sworn to before this 8th
day of FEBRUARY, 2018


NOTARY PUBLIC

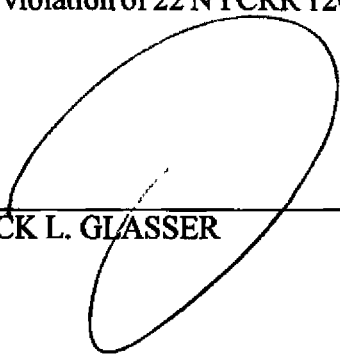
My commission expires:
(Affix stamp or seal)



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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i.), the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are non participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a

Dated: Jamaica, New York
February 8, 2019



JACK L. GLASSER

JACK L. GLASSER, P.C.
ATTORNEY AND COUNSELLOR AT LAW
89-10 BUTHPIN BLVD
JAMAICA, NEW YORK 11435

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